IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1068 OF 2006

Rohini @ Niyati Nitin Kothari ...Petitioner

vs.

Meghana Madhumilind Deshpande & Anr. ...Respondents

Ms Lalita Panchakshri with Ms S.S.Dongare for the Petitioner
Mr.U.V.Nikam,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : OCTOBER 3,2006.

P.C.:

1. Heard Advocate appearing for the Petitioner who is the first informant. The Petitioner lodged F.I.R. against her husband and against the first Respondent herein alleging commission of offences punishable under sections 498-A, 323, 504 read with 34 of the Indian Penal Code. The first Respondent applied for discharge before the learned Magistrate on the ground she is not a relative of the husband of the Petitioner. The said Application was rejected by the learned Magistrate. Being aggrieved by the said order, the first Respondent filed a Revision Application in the Sessions Court. By the impugned order, the Revision Application has been partly allowed and the first Respondent has been discharged for the offence under section 498-A of the said Code. However, the application for discharge made by the first Respondent as regards other offences has been rejected.

2. The learned Advocate for the Petitioner did not dispute that the first Respondent is not a relative of the husband of

the Petitioner. She, however, submitted that the first Respondent is staying with the husband of the Petitioner. She submitted that a wider meaning will have to be given to the word relative used in section 498-A of the said Code.

3. Admittedly, the first Respondent is not a relative of the husband of the Petitioner. The offence under section 498-A of the said Code can be alleged only against the husband and/or a relative of the husband of a woman. When admittedly the first respondent is not a relative of the Petitioner's husband, it is obvious that section 498-A of the said Code will not apply and that is the reason why the Sessions Court has discharged the first Respondent only in so far as offence under section 498-A of the said Code is concerned. There is no error in the impugned order. Petition is rejected.

JUDGE